

**PUBLIC MEETING
September 21, 2010
MINUTES**

Chairman Mike Murray called the meeting to order at 9 a.m. Commissioner Derek Brown and Commissioner Andy Hunthausen were present. Others attending all or a portion of the meeting included Eric Bryson, Kelly Blake, Lindsay Morgan, Rebecca Shaw, Dean Retz, Mark Simonich, Jack Walsh, Ryan Casne, Chad Koehler, Ryan Werner, John Grant, William Guyaz, and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Resolution 2010-299 Ordering a Refund of Taxes/Fees/Assessments Paid by Kenneth Leigh and Korey L. Jorgensen in the Amount of \$146.74. (Cheryl Green)
- b. Resolution 2010-300 Ordering a Refund of Taxes/Fees/Assessments Paid by Cary Scott and Christine M. Duncan in the Amount of \$455.76. (Cheryl Green)
- c. Resolution 2010-301 Ordering a Refund of Taxes/Fees/Assessments Paid by Andy R. Skinner in the Amount of \$88.93. (Cheryl Green)
- d. Resolution 2010-302 Ordering a Refund of Taxes/Fees/Assessments Paid by the Lois M. Murphy Rev. Living Trust in the Amount of \$36.84. (Cheryl Green)

Eric Bryson reported on the consent agenda and recommended approval.

No other public comments were received.

Commissioner Brown moved to approve the consent action items and authorized the Chair to sign. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

CTEP - Safe Routes to School East Helena Sidewalk Project. (Eric Bryson) Proposed amendment with Stahly Engineering for additional work incurred on the project beyond the original lump sum contract amount of \$25,000. The request is for an additional \$14,575.00. (Cont'd. from 9-16-10)

Eric Bryson met with Mr. Stahly to renegotiate the additional costs. After a thorough review of the costs, both parties agreed that an additional \$600 would be fair. Today's action would be to authorize approval of an additional \$600.

Public comments -

William Guyaz, 708 W. Lincoln Road, Helena. Asked for clarification on the cost adjustments. Eric Bryson provided the explanation.

No other public comments were received.

Commissioner Brown moved approval of the additional \$600 payment. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Proposed Major Subdivision to be Known as Frontier Village Estates. (Applicant: KW Enterprises, Inc.) (Planner: Lindsay Morgan). The applicant proposes to divide the existing 39.06-acre tract of land into 36 lots, each for one single-family dwelling. The proposed subdivision is located west of and adjacent to Midnite Drive and north of and adjacent to John G. Mine Road, between one-quarter of a mile and one-half of a mile east of the junction of Applegate Drive and John G. Mine Road. The applicant has requested two variances from county standards. A pedestrian/bicycle easement and trail for the parkland dedication is proposed.

Lindsay Morgan presented the staff report. The applicant proposes to develop the property in two phases. The proposed subdivision does not lie within or adjacent to an existing zoning district. There are currently no covenants placed on the property. Two written public comments expressed opposition to the proposed subdivision. The applicant has proposed to utilize the existing well on Lot 32 for domestic use. Two variances have been requested, (1) to construct the internal access roads to a gravel standard instead of the required paved standard; and (2) to allow certain lots to be double-fronted. The applicant shall pay their proportionate share of the costs for improving John G. Mine Road. The cost for improving this road shall be determined by a preliminary engineering report.

A no-access restriction should be placed along John G. Mine Road, with the exception of all approaches for the proposed internal access roads. Staff recommended a 50-foot building setback from the rights-of-way or easement for John G. Mine Road for wells, with the exception of the well on proposed Lot 32, drainfields, replacement drainfields, irrigation facilities, and structures.

The subject property is included in the Applegate RID. The applicant shall create an RID or Special Improvement District for the maintenance, preservation and repair of the proposed internal access roads within Frontier Village Estates, all common areas and improvements within the easements for the proposed internal access roads, and access to the well to be utilized for fire protection which is located north of the proposed subdivision. The waterline for this well would connect to a hydrant on the subject property. Staff recommended that a bus stop location be dedicated along a proposed internal access road for students. The applicant proposed to dedicate a 20-foot-wide trail easement along the north side of John G. Mine Road and construction of a gravel pedestrian/bicycle trail within this easement for a portion of their parkland requirement.

An existing domestic well is located within this easement for the fire protection. John G. Mine Road is designated as a Share the Road corridor for non-motorized transportation. The junction of Applegate Drive and John G. Mine Road should be modified to better accommodate the traffic volume in the area.

The Parks Board approved the proposal with two additional requirements: (1) the

proposed trail easement be dedicated as a public access easement; and (2) the easement be dedicated adjacent to John G. Mine Road. Staff recommended approval of the proposal subject to the conditions as amended by both the Planning Board and as proposed in the staff memo dated September 17, 2010.

Dean Retz, 155 All Sports Court. The well on Lot 32 is within the 50-foot no build easement, not in the trail easement. He received confirmation from Fire Chief Jerry Shepherd that West Valley Fire District would allow this subdivision to utilize offsite water for fire protection. He asked that conditions 8 and 11 be modified as follows:

Condition 8. Delete "requested" and insert "suggest" that a traffic impact study be done.

Condition 11. Delete "bus stop location" and insert "safe offsite waiting area" to conform with the request of the school district.

Applicant's Engineer, Ryan Casne, stated that an agreement with G&B Development points out that they will be allowed to access off of Tombstone Drive in return for the easement up to the well. The easement should only be used for maintenance of the pump. Condition 8 deals with DOT suggesting a traffic impact study be performed on John G. Mine and North Montana. He requested that condition 8 be removed because the applicants are not proposing direct access onto a state-owned highway.

Commissioner Brown asked that a provision be included as responsibility of providing power for the fire suppression well long-term.

Break 5 minutes and reconvened at 10:15.

Ryan Werner, 51 Hillcrest Drive, Clancy (Applicant). Gave a brief summary of the original development starting with 70 acres and switching gears to develop 40 acres due to the down turn in the economy.

There was discussion about exploring attempts to use the access on the east and west, Midnite Drive, and private drive on the west to gain access through Cypress. Midnite was not explored because the road would need major improvements. Applicants would have access through Cypress once G&B Enterprises developed their 30 lots.

The Commission entered into the public record the Completeness and Sufficiency Letters for the application.

John Grant, 8405 Lake Park Trail. Talked about the request for a variance on the paving. Representation was originally made to the applicant that the roads would not have to be paved.

Bill Guyaz, 708 W. Lincoln Road. Commented about how the heavy impact on the aquifer would affect his well, and development of private roads should be between the property owners.

Eric Bryson stated that the commission has no jurisdiction or the ability to control or mitigate damages that are proposed downstream. There is no direct correlation between the impacts of these exempt wells and what impact it might have on the aquifer outside of what the applicant provides for information.

Dean Retz stated that Section G of the Fire Protection Covenants says the homeowners will be responsible for maintenance of the fire protection well.

Hearing no other public comments, the public hearing was closed.

Commissioner Brown moved to render a decision at the regular scheduled public meeting on September 23. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

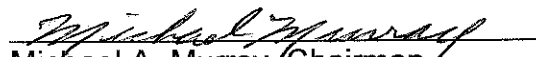
Public comments on any public matter within the jurisdiction of the Commission that is not on the agenda above.

William Guyaz, 708 W. Lincoln Road, Helena, is against School District No. 1 proposed Health Curriculum and asked that the commissioners have a voice for the parents of this area and restrict funding to the district.


Commissioner Murray stated that School District No. 1 is a separate unit of government elected by people within School District No. 1. The commissioners have no authority over the school district other than being a private citizen.

There was no other business, the meeting adjourned at 11:30 a.m.


LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Michael A. Murray (Chairman)


Derek Brown


Andy Hunthausen

ATTEST:


Paulette DeHart, Clerk of the Board